

B1 (Official Form 1) (12/11)

United States Bankruptcy Court District of Nevada				Voluntary Petition	
Name of Debtor (if individual, enter Last, First, Middle): America West Resources, Inc.			Name of Joint Debtor (Spouse) (Last, First, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): None			All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):		
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): EIN: 84-0315046			Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):		
Street Address of Debtor (No. and Street, City, and State) 50 W. Liberty St., #800 Reno, NV			Street Address of Joint Debtor (No. and Street, City, and State)		
ZIPCODE 89501			ZIPCODE		
County of Residence or of the Principal Place of Business: WASHOE			County of Residence or of the Principal Place of Business:		
Mailing Address of Debtor (if different from street address):			Mailing Address of Joint Debtor (if different from street address):		
ZIPCODE			ZIPCODE		
Location of Principal Assets of Business Debtor (if different from street address above): 3266 South 125 West, Price, UT					ZIPCODE 84501
Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <input checked="" type="checkbox"/> <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)		Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input checked="" type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other		Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding	
Chapter 15 Debtors Country of debtor's center of main interests: _____ Each country in which a foreign proceeding by, regarding, or against debtor is pending: _____		Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code)		Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.	
Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.			Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101(51D) <input checked="" type="checkbox"/> Debtor is not a small business as defined in 11 U.S.C. § 101(51D) Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (<i>amount subject to adjustment on 4/01/13 and every three years thereafter</i>). Check all applicable boxes <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).		
Statistical/Administrative Information <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.					THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000					
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input checked="" type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input checked="" type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): America West Resources, Inc.	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)			
Location Where Filed: NONE	Case Number:	Date Filed:	
Location Where Filed: N.A.	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: NONE	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11) <input checked="" type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. § 342(b). X _____ Signature of Attorney for Debtor(s) Date	
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) <div style="text-align: center;"> _____ (Name of landlord that obtained judgment) </div> <div style="text-align: center;"> _____ (Address of landlord) </div> <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).			

B1 (Official Form 1) (12/11)**Page 3****Voluntary Petition***(This page must be completed and filed in every case)*

Name of Debtor(s):

America West Resources, Inc.

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only **one** box.)☐

I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 of title 11 are attached.

☐

Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

(Signature of Foreign Representative)

(Printed Name of Foreign Representative)

(Date)

Signature of Attorney***X**

/s/ Illyssa I. Fogel

Signature of Attorney for Debtor(s)

ILLYSSA I. FOGEL NV 213

Printed Name of Attorney for Debtor(s)

ILLYSSA I. FOGEL & ASSOCIATES

Firm Name

PO Box 437; 25 N. US Hwy 95

Address

McDermitt, NV 89421(775) 532-8088

Telephone Number

February 1, 2013

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ John Chapman

Signature of Authorized Individual

JOHN CHAPMAN

Printed Name of Authorized Individual

Chief Restructuring Officer

Title of Authorized Individual

February 1, 2013

Date

Signature of Non-Attorney Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, (2) I prepared this document for compensation, and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. § 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security Number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X

Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

[If the debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11 of the Bankruptcy Code, this Exhibit "A" shall be completed and attached to the petition.]

UNITED STATES BANKRUPTCY COURT
District of Nevada

In re America West Resources, Inc.,
Debtor

Case No. _____
Chapter 11

Exhibit "A" to Voluntary Petition

1. If any of debtor's securities are registered under section 12 of the Securities and Exchange Act of 1934, the SEC file number is 0-19620.

2. The following financial data is the latest available information and refers to debtor's condition on 12/31/2012 (unaudited).

a. Total assets \$ 18,284,642

b. Total debts (including debts listed in 2.c., below) \$ 35,477,622

					Approximate number of holders
c.	Debt securities held by more than 500 holders				
	secured / /	unsecured / /	subordinated / /	\$ <u>0</u>	<u>0</u>
	secured / /	unsecured / /	subordinated / /	\$ <u>0</u>	<u>0</u>
	secured / /	unsecured / /	subordinated / /	\$ <u>0</u>	<u>0</u>
	secured / /	unsecured / /	subordinated / /	\$ <u>0</u>	<u>0</u>
	secured / /	unsecured / /	subordinated / /	\$ <u>0</u>	<u>0</u>
d.	Number of shares of preferred stock			<u>0</u>	<u>0</u>
e.	Number of shares of common stock			<u>68,488,691</u>	<u>836</u>

Comments, if any: Number of Shareholders is 836 per 2011 10-K.

3. Brief description of debtor's business: Domestic Coal Producer.

4. List the names of any person who directly or indirectly owns, controls, or holds, with power to vote, 5% or more of the voting securities of debtor:

Denly Utah Coal LLC - 39%
John Thomas Bridge - 13%
Alexander Walker - 5%

RESOLUTION

At a Special Meeting of the Board of Directors of America West Resources, Inc.; the parent company of Hidden Splendor Resources, Inc.; America West Marketing, Inc.; and America West Services, Inc. d/b/a Wildcat Loadout (each individually a "Company" and, collectively, the "Companies"), I do hereby certify that on February 1, 2013, the following resolutions were duly adopted and approved by the Board of Directors and recorded in the minute book of the Companies, and they have not been modified or rescinded and are still in full force and effect on the date hereof.

RESOLVED, that John Chapman, Senior Managing Director of CFCC Partners, is hereby employed as the Chief Restructuring Officer of the Companies (the "CRO") upon such terms and conditions as set forth herein, to render services and represent the Companies in connection with the Chapter 11 case, subject to Bankruptcy Court approval. The CRO shall report to the President and CEO of America West Resources, Inc. and in absences of such President and CEO the CRO shall report to the Board of Directors (the "Board") of America West Resources, Inc.; and

RESOLVED, that the CRO (the "Authorized Officer") is authorized, instructed, and empowered, in the name of and on behalf of the Company, to cause to be prepared the Petition on behalf of the Company for which he deem such a filing to be appropriate, including, if necessary, the schedules of assets and liabilities, the statement of financial affairs and other ancillary documents required by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure; and it is further

RESOLVED that the CRO and/or any duly elected and appointed members of the Board of Directors of the Companies or authorized executive(s) of the Companies are hereby authorized and empowered, on behalf of, and in the name of, the Companies to execute and verify or certify a petition or petitions under Chapter 11 of the Bankruptcy Code and to cause the same to be filed in the United States Bankruptcy Court for the District of Nevada (the "Bankruptcy Court") at such time as an authorized member of the Board of Directors and/or executive of the Companies may execute the same or shall otherwise determine it is in the best interest of the Companies; and

RESOLVED, that the CRO and/or any authorized member of the Board of Directors or authorized executive of the Companies is hereby authorized and Empowered on behalf of, and in the name of, the Companies to execute and file all petitions, schedules, lists, and other papers and to take any and all action that any of the members of the Board of Directors may deem necessary, proper or desirable in connection with the Chapter 11 case(s), with a view to the successful prosecution of the case; and

RESOLVED, that the CRO and/or any authorized member of the Board of Directors or authorized executive of the Companies is hereby authorized and empowered on behalf of, and in the name of, the Companies to execute a Board-approved plan or plans of reorganization under Chapter 11 of the Bankruptcy Code, including any and all modifications, supplements, and amendments thereto, and to cause the same to be filed with the Bankruptcy Court at such time as said authorized partner executing the same shall determine; and

RESOLVED, that the law firm of Flaster/Greenberg P.C. is hereby employed as reorganization counsel for the Companies upon such terms and conditions as the members shall approve, to render legal services to, and to represent the Companies in connection with the Chapter 11 case, subject to Bankruptcy Court approval; and

RESOLVED, that the Law Office of Illyssa I. Fogel is hereby employed as local counsel for the Companies upon such terms and conditions as the members thereof may approve, to render legal services to, and to represent the Companies in connection with the Chapter 11 case, subject to Bankruptcy Court approval; and

RESOLVED, that the business consulting firm of CFCC Partners, LLC is hereby employed as the financial advisor for the Companies upon such terms and conditions as the members thereof may approve, to render legal services to, and to represent the Companies in connection with the Chapter 11 case, subject to Bankruptcy Court approval; and

RESOLVED, that the CRO together with the CEO and/or any authorized member of the Board of Directors or authorized executive of the Companies are hereby authorized and empowered on behalf of, and in the name of, the Companies to retain and employ other board-approved attorneys, investment bankers, accountants, restructuring professionals, appraisers, broker, financial advisers and other professionals to assist in the Companies' Chapter 11 case(s) on such terms as are deemed necessary, proper or desirable by the Board; and

RESOLVED, that in connection with the commencement of the Chapter 11 case(s) by the Companies, that the CRO with the approval of the CEO and/or any authorized member of the Board of Directors or authorized executive of the Companies is hereby authorized and empowered on behalf of, and in the name of, the Companies to perform such duties including but not limited to negotiating, executing and delivering a Board-approved debtor-in-possession loan facility and/or Board-approved agreements for the use of cash collateral (including in connection therewith, such notes, security agreements and other Board-approved agreements or instruments as such officers consider appropriate); negotiating, executing and delivering Board-approved agreements of sale of assets of the Companies, along with any such other documents as may be necessary, proper or desirable relating to such agreements; negotiating, executing, delivering and/or implementing a Board-approved plan or plans of reorganization and necessary proceedings on such terms and conditions as the Board may consider necessary, proper or desirable, and to consummate the transactions contemplated by such agreements or instruments on behalf of the Companies; and to perform activities not otherwise addressed relating to any such other issues that may arise in connection with the Companies' case(s).

DATED this 1st day of February, 2013.

BY:



Alexander Walker III
Secretary, America West Resources, Inc.